

SENATE.....

.....No. 2.

E 513

.M45

Copy 1

VALEDICTORY ADDRESS

OF

HIS EXCELLENCY

JOHN A. ANDREW,

TO THE

TWO BRANCHES

OF THE

Legislature of Massachusetts,

JANUARY 4, 1866.

BOSTON:
WRIGHT & POTTER, STATE PRINTERS,
NO. 4 SPRING LANE.
1866.

E 513

.M45

82.416
06

Ms. A. 9. 2. 8/10

A D D R E S S .

*Gentlemen of the Senate, and the
House of Representatives :*

The people of Massachusetts have vindicated alike their intelligence, their patriotism, their will, and their power ; both in the cultivation of the arts of Peace, and in the prosecution of just and unavoidable War. At the end of five years of Executive administration, I appear before a Convention of the two Houses of her General Court, in the execution of a final duty.

For nearly all that period, the Commonwealth, as a loyal State of the American Union, has been occupied, within her sphere of co-operation, in helping to maintain, by arms, the power of the nation, the liberties of the people, and the rights of human nature.

Having contributed to the Army and the Navy—including regulars, volunteers, seamen and marines, men of all arms and officers of all grades, and of the various terms of service,—an aggregate of one hundred and fifty-nine thousand one hundred and sixty-five men ; and having expended for the war, out of

her own Treasury, twenty-seven million seven hundred and five thousand one hundred and nine dollars,—besides the expenditures of her cities and towns, she has maintained, by the unfailing energy and economy of her sons and daughters, her industry and thrift, even in the waste of war. She has paid promptly, and *in gold*, all interest on her bonds,—including the old and the new,—guarding her faith and honor with every public creditor, while still fighting the public enemy; and now, at last, in retiring from her service, I confess the satisfaction of having first seen all of her regiments and batteries, (save two battalions,) returned and mustered out of the Army; and of leaving her treasury provided for, by the fortunate and profitable negotiation of all the permanent loan needed or foreseen—with her financial credit maintained at home and abroad, her public securities unsurpassed, if even equalled, in value in the money market of the world by those of any State or of the Nation.

I have already had the honor to lay before the General Court, by special message to the Senate, a statement of all affairs which demand my own official communication. And, it only remains for me, to transfer, at the appropriate moment, the cares, the honors, and the responsibilities of office, to the hands of that eminent and patriotic citizen, on whose public experience and ability the Commonwealth so justly relies.

But, perhaps, before descending, for the last time, from this venerable seat, I may be indulged in some allusion to the broad field of thought and statesmanship, to which the war itself has conducted us. As I leave the Temple where, humbled by my unworthiness, I have stood so long, like a priest of Israel sprinkling the blood of the holy sacrifice on the altar—I would fain contemplate the solemn and manly duties which remain to us who survive the slain, in honor of their memory and in obedience to God.

THE NATION having been ousted by armed Rebellion of its just possession, and the exercise of its constitutional jurisdiction over the territory of the Rebel States, has now at last, by the suppression of the Rebellion, (accomplished by the victories of the national arms over those of the Rebels), regained possession and restored its own rightful sway.

The Rebels had overthrown the loyal State Governments. They had made war against the Union. The government of each Rebel State had not only withdrawn its allegiance; but had given in its adhesion to *another*, viz., *The Confederate Government*,—a government, not only injurious by its very creation, but hostile to, and in arms against, the Union, asserting and exercising belligerent rights, both on land and sea, and seeking alliances with foreign nations, even demanding the armed intervention of neutral powers.

The pretensions of this "Confederacy" were maintained for some four years, in one of the most extensive, persistent and bloody wars of History. To overcome it and maintain the rights and the very existence of the Union, our National Government was compelled to keep on foot one of the most stupendous military establishments the world has ever known. And probably the same amount of force, naval and military, was never organized and involved in any national controversy.

On both sides there was *war*, with all its incidents, all its claims, its rights and its results.

The States in rebellion tried, under the lead of their new Confederacy, to conquer the Union; but in the attempt they were themselves conquered.

They did not revert by their rebellion, nor by our conquest, into "Territories." They did not commit suicide. But they rebelled, they went to war; and they were *conquered*.

A "territory" of the United States is a possession, or dependency, of the United States, having none of the distinctive, constitutional attributes of a State. A territory might be in rebellion; but not thereby cease to be a territory. It would be properly described as *a territory in rebellion*. Neither does a State in rebellion cease to be a State. It would be correctly described, *a State in rebellion*. And it would be subject to the proper consequences of rebellion, both direct and incidental,—among which may be that of military

government, or supervision, by the nation, determinable only by the nation, at its own just discretion, in the due exercise of the rights of war. The power to put an end to its life is not an attribute of a State of our Union. Nor can the Union put an end to its own life, save by an alteration of the National Constitution, or by suffering such defeat, in war, as to bring it under the jurisdiction of a conqueror. The nation has a vested interest in the life of the individual State. The States have a vested interest in the life of the Union. I do not perceive, therefore, how a State has the power by its own action alone, without the co-operation of the Union, to destroy the continuity of its corporate life. Nor do I perceive how the National Union can by its own action, without the action or omission of the States, destroy the continuity of its own corporate life. It seems to me that the stream of life flows through both State and Nation from a double source; which is a distinguishing element of its vital power. Eccentricity of motion is not death; nor is abnormal action organic change.

The position of the rebel States is fixed by the Constitution, and by the laws, or rights, of war. If they had conquered the Union, they might have become independent, or whatever else it might have been stipulated they should become, by the terms of an ultimate treaty of peace. But being conquered, they failed in becoming independent, and they failed in accomplishing anything but their own conquest. They

were still States, — though belligerents conquered. But they had lost their loyal organization as States, lost their present possession of their political and representative power in the Union. Under the Constitution they have no means nor power of their own to regain it. But the exigency is provided for by that clause in the Federal Constitution in which the Federal Government guarantees a republican form of government to every State. The regular and formal method would be, therefore, for the National Government to provide specifically for their reorganization.

The right and duty, however, of the General Government, under the circumstances of their present case, is not the single one of re-organizing these disorganized States. The war imposed rights and duties, peculiar to itself and to the relations and the results of War. The first duty of the Nation is to regain its own *power*. It has already made a great advance in the direction of its power.

If ours were a despotic government, it might even now be thought that it had already accomplished the re-establishment of its power as a government. But, ours being a republican and a popular government, it cannot be affirmed, that the proper power of the government is restored, until a peaceful, loyal and faithful state of mind gains a sufficient ascendancy in the rebel and belligerent States, to enable the Union and loyal citizens everywhere to repose alike on the purpose and the ability of their people, in point

of numbers and capacity, to assert, maintain and conduct State Governments, republican in form, loyal in sentiment and character, with safety to themselves and to the national whole. If the people, or too large a portion of the people, of a given rebel State, are not willing and able to do this, then the *state of war* still exists, or at least, a condition consequent upon and incidental thereto exists, which only the exercise on our part of belligerent rights, or some of their incidents, can meet or can cure. The rights of war must continue until the objects of the war have been accomplished, and the nation recognizes the return of a state of peace. It is absolutely necessary then for the Union Government to prescribe some reasonable test of loyalty to the people of the States in rebellion. It is necessary to require of them conformity to those arrangements which the war has rendered, or proved to be, necessary to the public peace and necessary as securities for the future. As the conquering party, the National Government has the right to govern these belligerent States meanwhile, at its own wise and conscientious discretion, subject: 1st. To the demands of natural justice, humanity and the usages of civilized nations. 2d. To its duty under the Constitution, to guarantee Republican governments to the States.

But, there is no arbiter, save the people of the United States, between the Government of the Union

and those States. Therefore the precise things to be done, the precise way to do them, the precise steps to be taken, their order, progress and direction, are all within the discretion of the National Government, in the exercise, both of its belligerent, and its more strictly constitutional, functions,—exercising them according to its own wise, prudent and just discretion. Its duty is not only to restore those States, but also to make sure of a lasting peace, of its own ultimate safety, and the permanent establishment of the rights of all its subjects. To this end, I venture the opinion that the Government of the United States ought to require the people of those States to reform their Constitutions,—

1. Guaranteeing to the people of color, now the wards of the Nation, their civil rights as men and women, on an equality with the white population, by amendments, irrevocable in terms.

2. Regulating the elective franchise according to certain laws of universal application, and not by rules merely arbitrary, capricious and personal.

3. Annulling the ordinances of Secession.

4. Disaffirming the Rebel Debt, and

5. To ratify the anti-slavery amendment of the United States Constitution by their legislatures.

And I would have all these questions, save the fifth—the disposition of which is regulated by the Federal Constitution—put to the vote of the *People* themselves. We should neither be satisfied with the

action of the conventions which have been held, nor with what is termed the "loyal vote." We want the *popular* vote. And the rebel vote is better than the loyal vote, if on the right side. If it is not on the right side, then I fear those States are incapable at present of re-organization; the proper power of the Union Government is not restored; the people of those States are not yet prepared to assume their original functions with safety to the Union; and the state of war still exists; for they are contumacious and disobedient to the just demands of the Union, disowning the just conditions precedent to re-organization.

We are desirous of their re-organization, and to end the use of the war power. But I am confident we cannot re-organize political society with any proper security: 1. Unless we let in the *people* to a co-operation, and not merely an arbitrarily selected portion of them. 2. Unless we give those who are, by their intelligence and character, the natural leaders of the people, and who surely will lead them by and by, an opportunity to lead them now.

I am aware that it has been a favorite dogma in many quarters, "*No Rebel Voters.*" But—it is impossible in certain States to have *any* voting by white men, if only "loyal men"—*i. e.*, those who continued so, during the rebellion, are permitted to vote. This proposition is so clear that the President adopted the expedient of assuming that those who had not risen above certain civil or military grades in the

Rebel public service, and who had neither inherited nor earned more than a certain amount of property, should be deemed and taken to be sufficiently harmless to be intrusted with the suffrage in the work of re-organization. Although there is some reason for assuming that the less conspicuous and less wealthy classes of men had less to do than their more towering neighbors in conducting the States into the Rebellion and through it—still I do not imagine that either wealth or conspicuous position, which are only the accidents of men, or at most, only external incidents, affect the substance of their characters. I think the poorer and less significant men who voted, or fought, for “Southern Independence” had quite as little love for “the Yankees,” quite as much prejudice against “the Abolitionists,” quite as much contempt for the colored man, and quite as much disloyalty at heart, as their more powerful neighbors.

The true question is, now, not of past disloyalty, but of present loyal purpose. We need not try to disguise the fact, that we have passed through a *great popular revolution*. Everybody in the Rebel States was disloyal, with exceptions too few and too far between to comprise a loyal force, sufficient to constitute the State, even now that the armies of the Rebellion are overthrown. Do not let us deceive ourselves. The truth is, the public opinion of the white race in the South was in favor of the rebellion. The colored people sympathized with

the Union cause. To the extent of their intelligence, they understood that the success of the South meant their continued slavery; that an easy success of the North meant leaving slavery just where we found it; that the *War* meant, if it lasted long enough—their emancipation. The whites went to war and supported the war; because they hoped to succeed in it; since they wanted, or thought they wanted, separation from the Union, or “Southern Independence.” There were, then, three great interests—there were the Southern whites, who as a body, wished for what they called “Southern Independence;” the Southern blacks, who desired emancipation; the people of the “loyal States” who desired to maintain the constitutional rights and the territorial integrity of the Nation. Some of us in the North had a strong hope, which by the favor of God has not been disappointed, out of our defence of the Union to accomplish the deliverance of our fellow-men in bondage. But the “*loyal*” *idea* included emancipation, not for its own sake, but for the sake of the Union—if the Union could be saved, or served, by it. There were many men in the South—besides those known as loyal—who did not like to incur the responsibility of war against the Union; or who did not think the opportune moment had arrived to fight “the North”; or in whose hearts there was “a divided allegiance.” But, they were not the positive men. They were, with very few exceptions, not the leading

minds, the courageous men, the impressive and powerful characters,—they were not the young and active men. And when the decisive hour came, they went to the wall. No matter what they thought, or how they felt, about it ; they could not stand or they would not stand—certainly they did not stand, against the storm. The Revolution either converted them, or swept them off their feet. Their own sons volunteered. They became involved in all the work and in all the consequences of the war. The Southern People—as a People—fought, toiled, endured, and persevered, with a courage, a unanimity and a persistency, not outdone by any people in any Revolution. There was never an acre of territory abandoned to the Union while it could be held by arms. There was never a Rebel regiment surrendered to the Union arms until resistance was overcome by force ; or a surrender was compelled by the stress of battle, or of military strategy. The people of the South, men and women, soldiers and civilians, volunteers and conscripts, in the army and at home, followed the fortunes of the Rebellion and obeyed its leaders, so long as it had any fortunes or any leaders. Their young men marched up to the cannon's mouth, a thousand times, where they were mowed down like grain by the reapers when the harvest is ripe. Some men had the faculty, and the faith in the Rebel cause, to become its leaders. The others had the faculty and the faith to follow them.

All honor to the loyal few! But I do not regard the distinction between loyal and disloyal persons of the white race, residing in the South, during the rebellion, as being, for present purposes, a practical distinction. It is even doubtful whether the comparatively loyal few, (with certain prominent and honorable exceptions,) can be well discriminated from the disloyal mass. And since the President finds himself obliged to let in the great mass of the disloyal, by the very terms of his proclamation of amnesty, to a participation in the business of reorganizing the Rebel States, I am obliged also to confess that I think to make one rule for the richer and higher rebels, and another rule for the poorer and more lowly rebels is impolitic and unphilosophical. I find evidence in the granting of pardons, that such also is the opinion of the President.

When the day arrives, which must surely come, when an amnesty, substantially universal, shall be proclaimed, the leading minds of the South, who by temporary policy and artificial rules had been, for the while, disfranchised, will resume their influence and their sway. The capacity of leadership is a gift, not a device. They whose courage, talents and will entitle them to lead, will lead. And these men—not then estopped by their own consent or participation, in the business of re-organization—may not be slow to question the validity of great public transactions enacted during their own disfranchise-

ment. If it is asked, in reply, "What can they do?" and "What can come of their discontent?" I answer, that while I do not know just what they can do, nor what may come of it, neither do I know what they may not attempt, nor what they may not accomplish. I only know that we ought to demand, and to secure, the co-operation of the strongest and ablest minds and the natural leaders of opinion in the South. If we cannot gain their support of the just measures needful for the work of safe re-organization, re-organization will be delusive and full of danger.

Why not try them? They are the most hopeful subjects to deal with, in the very nature of the case. They have the brain and the experience and the education to enable them to understand the exigencies of the present situation. They have the courage, as well as the skill, to lead the people in the direction their judgments point, in spite of their own and the popular prejudice. Weaker men, those of less experience, who have less hold on the public confidence, are comparatively powerless. Is it consistent with reason and our knowledge of human nature, to believe the masses of Southern men able to face about, to turn their backs on those they have trusted and followed, and to adopt the lead of those who have no magnetic hold on their hearts or minds? Re-organization in the South demands the aid of men of great moral courage, who can renounce their own past

opinions, and do it boldly; who can comprehend what the work is, and what are the logical consequences of the new situation; men who have interests urging them to rise to the height of the occasion. They are not the strong men from whom weak, vacillating counsels come; nor are they the great men from whom come counsels born of prejudices and follies, having their root in an institution they know to be dead, and buried beyond the hope of resurrection.

Has it never occurred to us all, that we are now proposing the most wonderful and unprecedented of human transactions? The conquering government, at the close of a great war, is about restoring to the conquered rebels not only their local governments in the States, but their representative share in the general government of the country! They are, in their States, to govern themselves as they did before the rebellion. The conquered rebels are, in the Union, to help govern and control the conquering loyalists!! These being the privileges which they are to enjoy, when re-organization becomes complete, I declare that I know not any safeguard, precaution, or act of prudence, which wise statesmanship might not recognize to be reasonable and just. If we have no right to demand guarantees for the future; if we have no right to insist upon significant acts of loyal submission from the rebel leaders themselves; if we have no right to demand the positive, popular vote in favor of the guarantees we need;

if we may not stipulate for the recognition of the just rights of the slaves, whom, in the act of suppressing the rebellion, we converted from slaves into freemen, then I declare that we had no right to emancipate the slaves, nor to suppress the rebellion.

It may be asked; Why not demand the suffrage for colored men, in season for their vote in the business of re-organization? My answer is—I assume that the colored men are in favor of those measures which the Union needs to have adopted. But it would be idle to re-organize those States by the colored vote. If the popular vote of the white race is not to be had in favor of the guarantees justly required, then I am in favor of holding on—just where we now are. I am not in favor of a surrender of the present rights of the Union to a struggle between a white minority aided by the freedmen on the one hand, against a majority of the white race on the other. I would not consent, having rescued those States by arms from secession and rebellion, to turn them over to anarchy and chaos. I have, however, no doubt—none whatever—of our *right* to stipulate for colored suffrage. The question is one of statesmanship, not a question of constitutional limitation.

If it is urged that the suffrage question is one peculiarly for the States, I reply: so also that of the abolition of slavery ordinarily would have been. But we are not now deciding what a loyal State,

acting in its constitutional sphere, and in its normal relations to the Union, may do ; but what a rebel, belligerent, conquered State must do, in order to be re-organized and to get back into those relations. And in deciding this, I must repeat that we are to be governed only by Justice, Humanity, the Public Safety, and our duty to re-organize those conquered, belligerent States, as we can and when we can, consistently therewith.

In dealing with those States, with a view to fulfilling the national guaranty of a republican form of government, it is plain, since the nation is called upon to re-organize government, where no loyal republican State Government is in existence, that it must, of absolute necessity, deal directly with the *People* themselves. If a State government were menaced and in danger of subversion, then the nation would be called upon to aid the existing government of the State in sustaining itself against the impending danger. But the present case is a different one. The State Government was subverted in each rebel State more than four years ago. The State, in its corporate capacity, went into rebellion ; and as long as it had the power, waged and maintained against the nation rebellious war. There is no government in them to deal with. But there are the people. It is to the people we must go. It is through their people alone, and it is in their primary capacity alone, as people, unorganized and without a government, that the nation is capable

now of dealing with them at all. And, therefore, the government of the nation is obliged, by the sheer necessity of the case, to know who are the people of the State, in the sense of the National Constitution, in order to know how to reach them. Congress, discerning new people, with new rights, and new duties and new interests (of the nation itself even), springing from them, may rightfully stipulate in their behalf. If Congress perceives that it cannot fulfil its guaranty to all the people of a State, without such a stipulation, then it not only may, but it ought to, require and secure it. The guaranty is one concerning *all*, not merely a *part* of the *People*. And, though the government of a State might be of republican form, and yet not enfranchise its colored citizens; still the substance and equity of the guaranty would be violated, if, in addition to their non-enfranchisement, the colored people should be compelled to share the burdens of a State Government, the benefits of which would enure to other classes,—to their own exclusion. A republican form of government is not of necessity just and good. Nor is another form, of necessity, unjust and bad. A monarch may be humane, thoughtful and just to every class and to every man. A republic may be inhumane, regardless of, and unjust to, some of its subjects. Our National government and most of the State governments were so, to those whom they treated as slaves, or whose servitude they aggravated by their legisla-

tion in the interest of Slavery. The Nation cannot hereafter pretend that it has kept its promise and fulfilled its guaranty, when it shall have only organized governments of republican *form*, unless it can look all the *people* in the face, and declare that it has kept its promise with them all. The voting class alone—those who possessed the franchise under the State Constitutions—were not the *People*. They never were THE PEOPLE. They are not now. They were simply the *Trustees* of a certain power, for the benefit of *all* the people, and not merely for their own advantage. The nation does not fulfil its guaranty by dealing with them alone. It may deal through them, with the people. It may accept their action as satisfactory, in its discretion. But, no matter who may be the agents, through whom the nation reaches and deals with the people, that guaranty of the National Constitution is fatally violated, unless the nation secures to *all the people* of those disorganized States the substantial benefits and advantages of A GOVERNMENT. We cannot hide behind a *word*. We cannot be content with the “*form*.” The *substance* bargained for is a *Government*. The “*form*” is also bargained for, but that is only an incident. The people, and all the people alike, must have and enjoy the benefits and advantages of a *government*, for the common good, the just and equal protection of each and all.

But, What of the policy of the President? I am

not able to consider his future policy. It is undisclosed. He seems to me to have left to Congress alone the questions controlling the conditions on which the rebel States shall resume their representative power in the Federal Government. It was not incumbent on the President to do otherwise. He naturally leaves the duty of theoretical reasoning to those whose responsibility it is to reach the just practical conclusion. Thus far the President has simply used, according to his proper discretion, the power of commander-in-chief. What method he should observe was a question of discretion ; in the absence of any positive law, to be answered by himself. He might have assumed, in the absence of positive law—during the process of re-organization—purely military methods. Had that been needful, it would have been appropriate. If not necessary, then it would have been unjust and injurious. It is not just to oppress even an enemy, merely because we have the power. In a case like the present, it would be extremely impolitic, and injurious to the nation itself. Bear in mind, ours is not a conquest by barbarians, nor by despots ; but by Christians and republicans. The commander-in-chief was bound to govern with a view to promoting the true restoration of the *power* of the Union, as I attempted to describe it in the beginning of this address ; not merely with a view to the present, immediate control of the daily conduct of the people. He deemed it wise, therefore, to resort to the demo-

cratic principle, to use the analogies of republicanism and of constitutional liberty. He had the power to govern through magistrates, under military or under civil titles. He could employ the agencies of popular and of representative assemblies. Their authority has its source, however, in his own war powers as commander-in-chief. If the peace of society, the rights of the government, and of all its subjects, are duly maintained, then the method may justify itself by its success as well as its intention. If he has assisted the people to re-organize their legislatures, and to re-establish the machinery of local State government; though his method may be less regular than if an act of Congress had prescribed it, still, it has permitted the people to feel their way back into the works and ways of loyalty, to exhibit their temper of mind, and to "show their hands." Was it not better for the cause of free government, of civil liberty, to incur the risk of error in that direction, than of error in the opposite one? It has proved that the national government is not drunk with power; that its four years' exercise of the dangerous rights of war has not affected its brain. It has shown that the danger of despotic centralism, or of central despotism, is safely over.

Meanwhile, notwithstanding the transmission of the seals to State magistrates chosen by vote in the States themselves; notwithstanding the inauguration, in fact, of local legislatures, the powers of war remain.

The commander-in-chief has not abdicated. His generals continue in the field. They still exercise military functions, according to the belligerent rights of the nation. What the commander-in-chief may hereafter do, whether less or more, depends, I presume, in great measure on what the people of the rebel States may do or forbear doing. I assume that, until the executive and legislative departments of the national government shall have reached the *united* conclusion that the objects of the *war* have been fully accomplished, the national declaration of *peace* is not, and cannot be made.

The proceedings already had, are only certain acts in the great drama of Re-organization. They do not go for nothing ; they were not unnecessary ; nor do I approach them with criticism. But they are not the whole drama. Other acts are required for its completion. What they shall be, depends in part on the wisdom of Congress to determine.

The doctrine of the President that—in the steps preliminary to re-organizing a State which is not, and has not been theoretically cut off from the Union—he must recognize its own organic law, antecedent to the rebellion, need not be contested. I adhere, quite as strictly as he, to the logical consequences of that doctrine. I agree that the Rebel States ought to come back again into the exercise of their State functions and the enjoyment of their representative power—by the action and by the votes, of the same

class of persons, namely, the same body of voters, or tenants of political rights and privileges, by the votes, action or submission of whom, those States were carried into the rebellion.

But, yet, it may be, at the same time, needful and proper, in the sense of wise statesmanship, to require of them the amplification of certain privileges, the recognition of certain rights, the establishment of certain institutions, the re-distribution even of political power—to be by them accorded and executed through constitutional amendments, or otherwise—as elements of acceptable re-organization; and as necessary to the re-adjustment of political society in harmony with the new relations, and the new basis of universal freedom, resulting from the Rebellion itself. If these things are found to be required by wise statesmanship, then the right to exact them, as conditions of restoring those States to the enjoyment of their normal functions, is to be found, just where the Nation found the right to crush the Rebellion and the incidental right of emancipating Slaves.

Now, distinctions between men, as to their rights, purely arbitrary, and not founded in reason, nor in the nature of things, are not wise, statesmanlike, nor “Republican,” in the constitutional sense. If they ever are wise and statesmanlike, they become so, only where oligarchies, privileged orders and hereditary aristocracies are wise and expedient.

There are two kinds of Republican government, however, known to political science, viz. : Aristocratic Republics and Democratic Republics, or those in which the government resides with a few persons, or with a privileged body, and those in which it is the government of the People. I cannot doubt that nearly all men are prepared to admit that our governments—both State and National—are constitutionally democratic, representative republics. That theory of government is expressly set forth in the Declaration of Independence. The popular theory of government is again declared in the preamble to the Federal Constitution. The Federal government is elaborately constructed according to the theory of popular and representative government, and against the aristocratic theory, in its distinguishing features. And, in divers places, the Federal Constitution, in set terms, presupposes the democratic and representative character of the governments of the States ; for example, by assuming that they have legislatures, that their legislatures are composed of more than one body, and by aiming to prevent even all appearance of aristocratic form, by prohibiting the States from granting any title of nobility. In his recent message to Congress, President JOHNSON affirms “the great distinguishing principle of the recognition of the *rights of man*,” as the fundamental idea, in all our governments. “The American system,” he adds, in the same paragraph, “rests on the assertion of the *equal*

right of every man to life, liberty, and the pursuit of happiness, to freedom of conscience, to the culture and exercise of all his faculties.”

But, is it pretended that the idea of a government of the People, and for the People, in the American sense, is inclusive of the white race only, or is exclusive of men of African descent? On what ground can the position rest?

The citizenship of free men of color, even in those States where no provision of law seemed to include them in the category of voters, has been frequently demonstrated, not only as a legal right, but as a right asserted and enjoyed.

Nay more; both under the confederation, and at the time of the adoption of the Constitution of the United States, all free native born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey and North Carolina, though descended from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications, possessed the franchise of Electors on equal terms with other citizens. And even Virginia declares, in her ancient Bill of Rights, “that all men having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage.” Wherever free colored men were recognized as free citizens or subjects, but were, nevertheless, not fully enfranchised, I think the explanation is found, not in the fact of their

mere color nor of their antecedent servitude, but in the idea of their possible lapse into servitude again—of which condition their color was a badge and a continuing presumption. The policy of some States seems to have demanded that Slavery should be the prevailing condition of all their inhabitants of African descent. In those States, the possession of freedom by a colored man has therefore been treated as if that condition was only exceptional and transient. But, wherever the policy and legislation of a State were originally dictated by men who saw through the confusion of ideas occasioned by the presence of Slavery, there we are enabled to discern the evidence of an unclouded purpose (with which the American mind always intended to be consistent,) viz.: *The maintenance of equality between free citizens concerning civil RIGHTS, and the distribution of PRIVILEGES, according to capacity and desert, and not according to the accidents of birth.* And now that Slavery has been rendered forever impossible within any State or Territory of the Union, by framing the great natural law of Universal Freedom into the organic Law of the Union, all the ancient disabilities which Slavery had made apparently attendant on African descent, must disappear.

Whatever may be the rules regulating the distribution of political power among free citizens, in the organization of such a republican government as that guaranteed by the National Constitution, *descent* is

neither the evidence of right, nor the ground of disfranchisement.

The selection of a fraction or class, of the great body of freemen in the Civil State, to be permanently invested with its entire political power—(selected by mere human predestination, irrespective of merit)—that power to be incommunicable to the freemen of another class—the two classes, of rulers and ruled, governors and governed, to be determined by the accident of birth, and all the consequences of that accident to descend by generation to their children—seems to me to be the establishment of an hereditary aristocracy of birth, the creation of a privileged order, inconsistent both with the substance and the essential form of American republicanism, unstatesmanlike and unwise; and, (in the rebel States,) in every sense, dangerous and unjust.

To demand a certain qualification of intelligence is eminently safe, and consists with the interests and rights of all. It is as reasonable as to require a certain maturity of age. They who are the representatives of the political power of society, acting not only for themselves, but also for the women and children, who too belong to it; representing the interests of the wives, mothers, sisters, daughters, infant sons, and the posterity of us all, ought to constitute an audience reasonably competent to hear. And, since the congregation of American Voters is numbered by millions, and covers a continent, it

cannot hear with its ears all that it needs to know ; but must learn intelligently much that it needs to know, through the printed page and by means of its eyes. The protection of the mass of men against the deceptions of local demagogues, and against their own prejudices hereafter—as well as the common safety—calls for the requirement of the capacity to read the mother tongue, as a condition of coming for the first time to the ballot-box. Let this be required at the South, and immediately the whole Southern community will be aroused to the absolute necessity of demanding free schools and popular education. These are, more than all things else, to be coveted, both for the preservation of public liberty, and for the temporal salvation of the toiling masses of our own Saxon and Norman blood whom alike with the African slave, the oppression of ages has involved in a common disaster.

I think the wisest and most intelligent persons in the South are not ignorant of the importance of raising the standard of intelligence among voters ; nor of extending the right to vote, so as to include those who are of competent intellect, notwithstanding the recent disability of color. There is evidence that they are not unwilling to act consistently with the understanding, example, and constitutional precedents of the fathers of the Republic ; consistently with the ancient practice of the States, coeval with the organic law of the nation, estab-

lished by the very men who made that law, who used and adopted the very phrase, "a republican form of government," of the meaning of which their own practice was a contemporary interpretation. But if the conquering power of the nation, if the victorious arm of the Union is paralyzed; if the federal government, standing behind the ramparts of defensive war, wielding its weapons, both of offence in the hour of struggle, and of diplomacy in the hour of triumph, is utterly powerless to stipulate for the execution of this condition; then I confess I do not know how the best and wisest in the South will be enabled, deserted and alone, to stand up on its behalf, against the jealousy of ignorance and the traditions of prejudice.

IF the measures I have attempted to delineate, are found to be impracticable, then Congress has still the right to refuse to the Rebel States re-admission to the enjoyment of their representative power, until amendments to the *Federal Constitution* shall have been obtained adequate to the exigency. Nor can the people of the rebel States object to the delay. They voluntarily withdrew from Congress; they themselves elected the attitude of disunion. They broke the agreements of the constitution: not we. They chose their own time, opportunity and occasion to make war on the Nation, and to repudiate the Union. They certainly cannot now dictate to us the time nor the terms. Again, I repeat, the just discretion of the

nation—exercised in good faith towards all—must govern.

The Federal Union was formed, first of all, “*to establish justice.*” “JUSTICE,” in the language of statesmen and of jurists, has had a definition, for more than two thousand years, exact, perfect, and well understood.

It is found in the Institutes of Justinian,—

“*Constans et perpetua voluntas, jus suum cuique tribuendi.*”

“The constant and perpetual will to secure TO EVERY MAN HIS OWN RIGHT.”

I believe I have shown that under our federal Constitution,—

1. All the people of the rebel States must share in the benefits to be derived from the execution of the national guaranty of republican governments.

2. That *our* “republican form of government” demands “*The maintenance of equality between free citizens concerning civil RIGHTS, and the distribution of PRIVILEGES, according to capacity and desert, and not according to the accidents of birth.*”

3. That people “of African descent,” not less than people of the white race, are included within the category of free subjects and citizens of the United States.

4. That, in the distribution of political power, under our form of government, “*DESCENT is neither the evidence of right, nor the ground of disfranchisement,*” so that

5. The disfranchisement of free citizens, for the

cause of "*descent*," or for any reason other than lawful disqualification, as by non-residence, immaturity, crime, or want of intelligence, violates their constitutional rights.

6. That, in executing our national guaranty of republican government to the people of the rebel States, we must secure the constitutional, civic liberties and franchises of all the people.

7. That we have *no right* to omit to secure to the new citizens, made free by the Union, in war, their equality of rights before the law, and their franchises of every sort—including the electoral franchise—according to laws and regulations, of universal, and not of unequal and capricious, application.

WE have no right to evade our own duty. We must not, by substituting a new basis for the apportionment of representatives in Congress, give up the just rights of these citizens. Increasing the proportion of the political power of the loyal States, at the expense of the disloyal States, by adopting their relative numbers of *legal voters*, instead of their relative *populations*—while it might punish some States for not according the suffrage to colored men—would not be justice to the colored citizen. For *justice* demands, "*for every man his own right*."

Will it be said that, by such means, we shall strengthen our own power in the loyal States, to protect the colored people in the South? If we will not yield to

them *justice* now, on what ground do we expect grace to give them "*protection*" hereafter?

You will have compromised for a consideration—paid in an increase of your own political power—your right to urge their voluntary enfranchisement on the white men of the South. You will have bribed all the elements of political selfishness, in the whole country, to combine against negro enfranchisement. The States of the rebellion will have no less power than ever in the Senate. And the men who hold the privilege of electing representatives to the lower house, will retain their privilege. For the sake of doubling the delegation from South Carolina, do you suppose the monopoly of choosing three members would be surrendered by the whites, giving to the colored men the chance to choose six? Nay:—Would the monopolists gain anything by according the suffrage to the colored man; if they could themselves only retain the power to dictate three representatives, and the colored people should dictate the selection of the other three?

The scheme to substitute legal voters, instead of population, as the basis of representation in Congress, will prove a delusion and a snare. By diminishing the representative power of the Southern States, in favor of other States, you will not increase Southern love for the Union. Nor, while Connecticut and Wisconsin refuse the suffrage to men of color, will you be able to convince the South that your amend-

ment was dictated by political principle, and not by political cupidity. You will not diminish any honest apprehension at extending the suffrage, but you will inflame every prejudice, and aggravate discontent. Meanwhile, the disfranchised freedman, hated by some because he is black, condemned by some because he has been a slave, feared by some because of the antagonisms of society, is condemned to the condition of a hopeless pariah of a merciless civilization. *In* the community, he is not *of* it. He neither belongs to a master, nor to society. Bodily present in the midst of the society composing the State, he adds nothing to its weight in the political balance of the nation; and therefore, he stands in the way, occupies the room and takes the place, which might be enjoyed as opportunities by a white immigrant, who would contribute by his presence to its representative power. Your policy would inflame animosity and aggravate oppression, for at least the lifetime of a generation, before it would open the door to enfranchisement.

Civil society is not an aggregation of individuals. According to the order of nature, and of the Divine economy, it is an aggregation of families.

The adult males of the family *vote*; because the welfare of the women and children of the family is identical with theirs; and it is intrusted to their affection and fidelity, whether, at the ballot-box, or on the battle-field. But, while the voting men of a given community represent the welfare of its women and

children, they do not represent that of another community. The men, women and children of Massachusetts, are alike concerned in the ideas and interests of Massachusetts. But, the very theory of representation implies that the ideas and interests of one State are not identical with those of another. On what ground, then, can a State on the Pacific, or the Ohio, gain preponderance in Congress over New Jersey or Massachusetts by reason of its greater number of *males*, while it may have even a less number of *people*? The halls of legislation are the arenas of debate, not of muscular prowess. The intelligence, the opinions, the wishes, and the influence of women, social and domestic, stand for something—for much—in the public affairs of civilized and refined society. I deny the just right of the Government to banish woman from the count. She may not vote, but she thinks; she persuades her husband; she instructs her son. And, through them, at least, she has a right to be heard in the government. Her existence, and the existence of her children, are to be considered in the State.

No matter who changes; let Massachusetts, at least, stand by all the fundamental principles of free, constitutional, republican government.

The President is the Tribune of the People. Let him be chosen directly by the popular election. The Senate represents the reserved rights and the equality of the States. Let the Senators continue to be chosen

by the Legislatures of the States. The House represents the opinions, interests, and the equality of the *people* of each and every State. Let the people of the respective States elect their representatives, in numbers proportional to the numbers of their people. And let the legal qualifications of the voters, in the election of President, Vice-President, and Representatives in Congress, be fixed by a uniform, equal, democratic, constitutional rule, of universal application. Let this franchise be enjoyed "*according to capacity and desert, and not according to the accidents of birth.*"

Congress may, and ought, to initiate an amendment granting the right to vote for President, Vice-President and Representatives in Congress, to colored men, in all the States, being citizens and able to read, who would by the laws of the States where they reside, be competent to vote if they were white. Without disfranchising existing voters, it should apply the qualification to white men also. And, the amendment ought to leave the election of President and Vice-President directly in the hands of the People, without the intervention of electoral colleges. Then the poorest, humblest and most despised men, being citizens and competent to read, and thus competent, with reasonable intelligence, to represent others, would find audience through the ballot-box. The President, who is the Grand Tribune of all the People, and the direct delegates of the People in the popular branch of the National Legislature, would

feel their influence. This amendment would give efficiency to the one already adopted, abolishing Slavery throughout the Union. The two amendments, taken together, would practically accomplish, or enable Congress to fulfil, the whole duty of the nation to those who are now its dependent wards.

I am satisfied that the mass of thinking men at the South accept the present condition of things in good faith; and I am also satisfied that with the support of a firm policy from the President and Congress, in aid of the efforts of their good faith, and with the help of a conciliatory and generous disposition on the part of the North—especially on the part of those States most identified with the plan of emancipation—the measures needed for permanent and universal welfare can surely be obtained. There ought now to be *a vigorous prosecution of the Peace*,—just as vigorous as our recent prosecution of the War. We ought to extend our hands with cordial good-will to meet the proffered hands of the South; demanding no attitude of humiliation from any; inflicting no acts of humiliation upon any; respecting the feelings of the conquered—notwithstanding the question of right and wrong, between the parties belligerent. We ought, by all the means and instrumentalities of peace, and by all the thrifty methods of industry; by all the re-creative agencies of education and religion, to help rebuild the waste places, and restore order, society, prosperity. Without

industry and business there can be no progress. In their absence, civilized man even recedes towards barbarism. Let Massachusetts bear in mind the not unnatural suspicion which the past has engendered. I trust she is able, filled with emotions of boundless joy, and gratitude to Almighty God, who has given such Victory and such Honor to the Right, to exercise faith in His goodness, without vain glory, and to exercise charity, without weakness, towards those who have held the attitude of her enemies.

The offence of War has met its appropriate punishment by the hand of *War*.

In this hour of Triumph, honor and religion alike forbid one act, one word, of vengeance or resentment. Patriotism and Christianity unite the arguments of earthly welfare, and the motives of Heavenly inspiration, to persuade us to put off all jealousy and all fear, and to move forward as citizens and as men, in the work of social and economic re-organization—each one doing with his might whatever his hand findeth to do.

We might wish it were possible for Massachusetts justly to avoid her part in the work of *political* re-organization. But, in spite of whatever misunderstanding of her purpose or character, she must abide her destiny. She is a part of the Nation. The Nation, for its own ends, and its own advantage, as a measure of war, took out of the hands

of the masters, their slaves. It holds them, therefore, in its hands, as freedmen. It must place them somewhere. It must dispose of them somehow. It cannot delegate the trust. It has no right to drop them, to desert them. For by its own voluntary act, it assumed their guardianship, and all its attendant responsibilities, before the present generation, and all the coming generations, of mankind. I know not how well, nor how ill, they might be treated by the people of the States where they reside. I only know that there is a point beyond which the Nation has no right to incur any hazard. And while the fidelity of the Nation need not abridge the humanity of the States; on the other hand our confidence in those States cannot be pleaded before the bar of God, or of history, in defence of any neglect of our own duty.

Let their people remember that Massachusetts has never deceived them. To her ideas of duty and her theory of the Government, she has been faithful. If they were ever misled or betrayed by others into the snare of attempted secession, and the risks of war, her trumpet at least gave no uncertain sound. She has fulfilled her engagements in the past, and she intends to fulfil them in the future. She knows that the re-organization of the States in rebellion carries with it consequences—which come home to the firesides and the consciences of her own children. For, as

citizens of the Union, they become liable to assume the defence of those governments, when re-organized, against every menace, whether of foreign invasion or of domestic violence. Her bayonets may be invoked to put down insurgents of whatever color ; and whatever the cause, whether rightful or wrongful, which may have moved their discontent. And, when they are called for, they will march. If she were capable of evading her duty now, she would be capable of violating her obligations hereafter. If she is anxious to prevent grave errors, it is because she appreciates, from her past experience, the danger of admitting such errors into the structure of government. She is watchful against them now, because in the sincere fidelity of her purpose, she is made keenly alive to the duties of the present, by contemplating the inevitable responsibilities of the future.

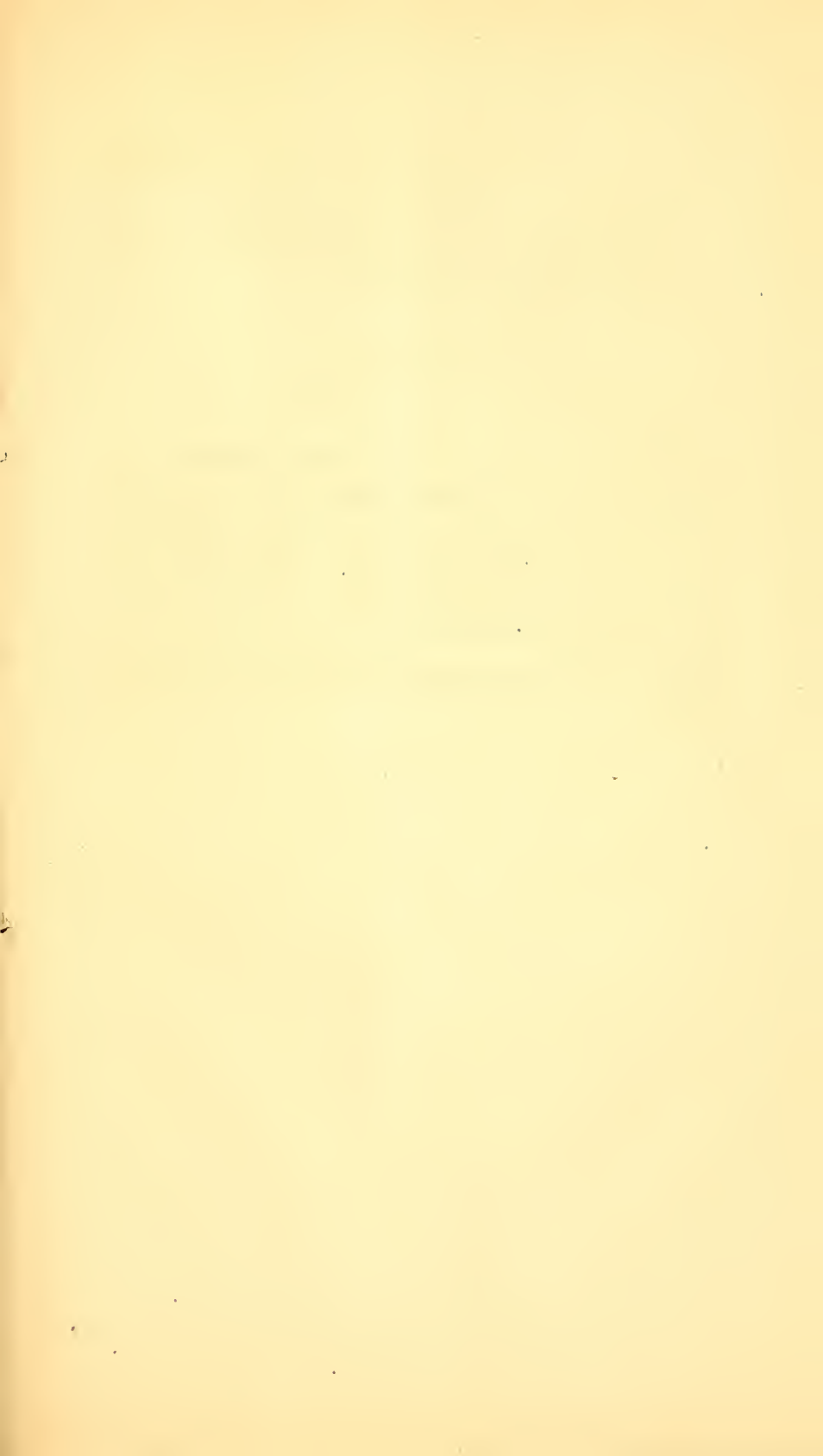
. In sympathy with the heart and hope of the nation, she will abide by her faith. Undisturbed by the impatient, undismayed by delay, "with malice towards none, with charity for all ; with firmness in the right, as God gives us to see the right," she will persevere. Impartial, democratic, constitutional liberty is invincible. The rights of human nature are sacred ; maintained by confessors, and heroes, and martyrs ; reposing on the sure foundation of the commandments of God.

“Through plots and counterplots ;
Through gain and loss ; through glory and disgrace ;
Along the plains where passionate Discord rears
Eternal Babel ; still the holy stream
Of *human happiness* glides on !

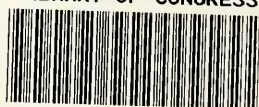
* * * * *

There is ONE above
Sways the harmonious mystery of the world.”

Gentlemen :—For all the favors, unmerited and unmeasured, which I have enjoyed from the people of Massachusetts ; from the councillors, magistrates and officers by whom I have been surrounded in the government ; and from the members of five successive Legislatures ; there is no return in my power to render, but the sincere acknowledgments of a grateful heart.



LIBRARY OF CONGRESS



0 013 703 174 7

